

2013 SEP 20 PM 12:00
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
BY _____

///

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.
5. Defendant conducts business in the state of California, and therefore, personal jurisdiction is established.
6. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

7. Plaintiff is a natural person residing in Anaheim, Orange County, California.
8. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendants, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5) and Cal. Civ. Code § 1788.2(h).
9. Defendants are debt collectors as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ. Code § 1788.2(c), and sought to collect a consumer debt from Plaintiff.
10. Defendant is a Corporation with its headquarters in Dallas, Texas.

FACTUAL ALLEGATIONS

11. In or around July of 2013, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.
12. Plaintiff’s alleged debt owed arises from transactions used for personal, family, and household purposes.
13. In a telephone conversation on or around July 8, 2013, Defendant’s representative stated that Plaintiff would be subject to legal action if the alleged debt was not paid by July 10, 2013.
14. In or around July of 2013, Defendant’s representative, “Christopher Jones,” placed a

1 collection call to Plaintiff's phone number at 714-363-62XX and left a voicemail
2 message.

3 15. In the voicemail message, Defendant's representative, "Christopher Jones," failed to
4 disclose the name of the company placing the call, failed to state that call was being
5 placed by a debt collector, and failed to state that the call was being placed in an attempt
6 to collect an alleged debt. *See* Transcribed Voicemail Message attached hereto as
7 Exhibit A.

8 16. In the voicemail message, Defendant's representative, "Christopher Jones," falsely stated
9 that he was calling from the Orange County clerk's office and stated that a file would be
10 filed against Plaintiff. *See* Exhibit A.

11 17. Defendant is using false, deceptive and misleading means in connection with attempting
12 to collect a debt by not identifying the purpose of its phone calls or that they are an
13 attempt to collect a debt.

14 18. As a result of the collection calls placed by Defendant to Plaintiff, Plaintiff suffered
15 embarrassment, humiliation, emotional distress, anguish and mental suffering. When
16 Defendant calls Plaintiff, Plaintiff feels stress, aggravation, anguish, and anxiety.

17 **COUNT I**
18 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

19 19. Defendant violated the FDCPA based on the following:

- 20 a. Defendant violated § 1692d of the FDCPA by engaging in conduct the natural
21 consequence of which is to harass, oppress, or abuse any person in connection
22 with the collection of a debt.
- 23 b. Defendant violated § 1692d(6) of the FDCPA when Defendant placed telephone
24 calls without meaningful disclosure of the caller's identity.
- 25 c. Defendant violated § 1692e of the FDCPA by using false, deceptive or misleading

1 representation with the collection of the debt.

2 d. Defendant violated §1692e(1) of the FDCPA by falsely representing that
3 Defendant was affiliated with Orange County, California.

4 e. Defendant violated § 1692e(5) of the FDCPA by falsely threatening to take any
5 action that cannot be taken or is not intended to be taken.

6 f. Defendant violated § 1692e(10) of the FDCPA by using deceptive means in an
7 attempt to collect a debt.

8 g. Defendants violated § 1692e(11) of the FDCPA by failing to disclose that the call
9 was from a debt collector.

10 WHEREFORE, Plaintiff, JESSE QUINTANA, respectfully requests judgment be entered
11 against Defendants, COMMERCIAL RECOVERY SYSTEMS, INC., for the following:

12 20. Actual damages to compensate Plaintiff for his embarrassment, humiliation, mental
13 anguish, emotional distress, anxiety, inconvenience, and the disruption of his day caused
14 by Defendant in an amount to be determined by the trier of fact pursuant to the Fair Debt
15 Collection Practices Act, 15 U.S.C. 1692;

16 21. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15
17 U.S.C. 1692k,

18 22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
19 15 U.S.C. 1692k,

20 23. Any other relief that this Honorable Court deems appropriate.

21 **COUNT II**
22 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
23 **PRACTICES ACT**

24 24. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as
25 the allegations in Count II of Plaintiff's Complaint.

25 25. Defendant violated the RFDCPA based on the following:

- 1 a. Defendant violated § 1788.17 of the RFDCPA by continuously failing to comply
2 with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 *et*
3 *seq.*

4 WHEREFORE, Plaintiff, JESSE QUINTANA, respectfully requests judgment be entered
5 against Defendant, COMMERCIAL RECOVERY SYSTEMS, INC. for the following:

- 6 26. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection
7 Practices Act, Cal. Civ. Code §1788.30(b),
8 27. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
9 Practices Act, Cal. Civ Code § 1788.30(c), and
10 28. Any other relief that this Honorable Court deems appropriate.

11
12 DATED: September 12, 2013

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

13 By: _____

14 Ryan Lee
Attorney for Plaintiff

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18 **DEMAND FOR JURY TRIAL**

19 Plaintiff, JESSE QUINTANA, demands a jury trial in this case.
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1 VERIFICATION OF COMPLAINT AND CERTIFICATION

2 STATE OF CALIFORNIA

3 Plaintiff, JESSE QUINTANA, states as follows:

- 4 1. I am the Plaintiff in this civil proceeding.
- 5 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe
- 6 that all of the facts contained in it are true, to the best of my knowledge, information
- 7 and belief formed after reasonable inquiry.
- 8 3. I believe that this civil Complaint is well grounded in fact and warranted by existing
- 9 law or by a good faith argument for the extension, modification or reversal of existing
- 10 law.
- 11 4. I believe that this civil Complaint is not interposed for any improper purpose, such as
- 12 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
- 13 needless increase in the cost of litigation to any Defendant(s), named in the
- 14 Complaint.
- 15 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
- 16 6. Each and every exhibit I have provided to my attorneys which has been attached to
- 17 this Complaint is a true and correct copy of the original.
- 18 7. Except for clearly indicated redactions made by my attorneys where appropriate, I
- 19 have not altered, changed, modified or fabricated these exhibits, except that some of
- 20 the attached exhibits may contain some of my own handwritten notations.

21 Pursuant to 28 U.S.C. § 1746(2), I, JESSE QUINTANA, hereby declare (or certify,

22 verify or state) under penalty of perjury that the foregoing is true and correct.

23 DATE:

8/25/13

24 
JESSE QUINTANA

EXHIBIT A

“Mr. Quintana, my name is Christopher Jones calling from the Orange County clerk’s office. This is a call to let you know that I’m with a file here to be filed against you, the client’s name is (unintelligible), it is attached to your social security number which has been signed (unintelligible). So, once again, this is a courtesy call in regards to your issues down here in Orange County (unintelligible).”

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> JESSE QUINTANA	DEFENDANTS COMMERCIAL RECOVERY SYSTEMS, INC.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Krohn & Moss, Ltd.; Ryan Lee, Esq. 10474 Santa Monica Blvd., Suite 405; Los Angeles, CA 90025 (323) 988-2400	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 USC 1692 et seq.; Unlawful and Abusive Debt Collection Practices

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV13-01474 RNB

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County (CA)	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Dallas, TX

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County (CA)	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** September 12, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))